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5 U.S.C. § 515

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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, ) No. CR 07-0337 MHP  
17 Plaintiff, )  
18 v. ) PARTIES' JOINT REQUEST TO CONTINUE  
19 JACQUELINE FROEHLICH- ) SENTENCING HEARING AND [PROPOSED]  
20 L'HEUREAUX, ) ORDER  
21 Defendant. )  
22 \_\_\_\_\_)

23 The parties jointly request that, subject to the Court's approval, the sentencing hearing  
24 presently set for October 18, 2010, be continued and set for sentencing hearing on March 28,  
25 2011, at 9:00 a.m. The United States has previously determined from reviewing the Court's  
26 publicly posted scheduling information that the Court is currently available for a hearing on that  
27 date. The assigned probation officer, Constance Cook, also has been consulted with respect to  
28 this date and has indicated that she is available on that date. The basis of the parties' joint  
request is set out in more detail below.

29 The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement  
30 on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer,  
31 exceed authorized access to a protected computer, and traffic in a password allowing  
32 unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was

1 referred to the Probation Office for a presentence report. The plea agreement also includes  
2 standard terms of cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties  
4 jointly request that the October 18, 2010, sentencing hearing be continued for a sentencing  
5 hearing on March 28, 2011. Additional time is needed for the defendant to complete her  
6 cooperation with the government. Specifically, charges have now been filed against an alleged  
7 co-conspirator of the defendant, David Nosal. The Nosal case is numbered CR 08-0237 MHP.  
8 The United States has filed a noticed of appeal in the Nosal case, and the case will not proceed to  
9 trial until that appeal is resolved. The defendant Froehlich-L'Heureaux is expected to testify in  
10 that trial. Because Ms. Froehlich-L'Heureaux will be required to testify at trial, her cooperation  
11 with the government's investigation is not yet complete.

12 For all of these reasons, the parties jointly request that this Court vacate the sentencing  
13 hearing presently set for October 18, 2010, and set a sentencing hearing for March 28, 2011 at  
14 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be  
15 calculated using the new sentencing date.

16 SO STIPULATED.

17

18 Dated: September 8, 2010

SCOTT N. SCHOOLS  
Attorney for the United States, Acting  
Under Authority Conferred by 28  
U.S.C. § 515

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24 SO STIPULATED.

25 Dated: September 8, 2010

/s/  
KYLE F. WALDINGER  
Assistant United States Attorney

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1                   **[PROPOSED] ORDER**

2                   GOOD CAUSE APPEARING,

3                   IT IS ORDERED that the sentencing hearing presently set for October 18, 2010, be  
4 continued to March 28, 2011, at 9:00 a.m. The final presentence report should be disclosed two  
5 weeks prior to the sentencing date.

6                   Dated this 10th day September, 2010

